

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

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| BYRON R. MICHAEL, |) | No. ED95622 |
| |) | |
| Appellant, |) | Appeal from the Circuit Court of |
| |) | the Ralls County |
| v. |) | Cause No. 07RL-CV00510 |
| |) | Honorable David C. Mobley |
| STATE OF MISSOURI, |) | |
| |) | |
| Respondent. |) | Filed: September 20, 2011 |

Appellant Byron P. Michael appeals the judgment of the circuit court denying his Rule 29.15 motion for post-conviction relief.

AFFIRMED.

DIVISION TWO HOLDS: The circuit court did not err in denying Michael's motion for post-conviction relief. Trial counsel was not ineffective for failing to conduct a reasonable investigation and call a witness because Michael could not establish the witnesses' testimony would have provided a viable defense. Additionally, trial counsel was not ineffective for failing to object to hearsay testimony because there was sound trial strategy underlying the decision not to object, and given the overwhelming amount of evidence supporting the verdict, Michael could not demonstrate prejudice.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, J. concur.

Attorneys for Appellant: Mark A. Grothoff

Attorneys for Respondent: Evan J. Bucheim

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| <p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p> |
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